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IN THE

Supreme Court of the United States

OCTOBER TERM, 1943

No. 475.

GEORGIA M. SPRUILL, *Petitioner,*

v.

WILLIAM T. BALLARD, ABRAM R. SERVEN, HARRIET T. SERVEN, et al., *Respondents.*

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia.

BRIEF FOR RESPONDENTS IN OPPOSITION.

ROSS H. SNYDER,
Attorney for Respondents.

LEWIS H. FISHER,
Of Counsel.

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Opinion Below.

The opinion of the Court below, dated July 12, 1943, and the Rehearing denial of August 9, 1943, have not yet been printed in the Court reports. A copy of the Opinion of July 12, 1943, is printed in the Appendix hereto.

Jurisdiction.

Section 240 (a) Act of February 13, 1925 (43 Stat. L. 936-938, 939).

Questions Presented.

The Petitioner again alleges fraud on the part of all of the Respondents and their Attorneys, pointing out that this litigation has been continued over a period of thirteen years, and contains references to her several actions heretofore filed and disposed of in the District Court of the United States for the District of Columbia.

Statement.

Petitioner seeks a reversal of the decision of the United States Court of Appeals for the District of Columbia, affirming a judgment of the District Court of the United States for the District of Columbia, denying motions to substitute parties and to reverse the decree of the lower Court ratifying the final account of the Trustee appointed by the Court to sell the real estate involved in this litigation.

No new, or additional, question is presented here not previously fully presented by Petitioner in her many petitions to this Court for certiorari, all of which have been denied, reference being particularly made to *Spruill* v. *Ballard,* et al., 308 U. S. 608, 84 L. ed. 508; *Spruill* v. *Ballard,* etc., 313 U. S. 576, 85 L. ed. 1534, and *Spruill* v. *Ballard,* et al., 314 U. S. 707, 86 L. ed. 564. In the first mentioned case, counsel for Respondent filed a brief setting forth eight causes in this Court wherein Petitioner herein had presented petitions for certiorari, all of which were denied.

Argument.

1. No question of great public concern or importance is involved herein, as the only parties interested are the Petitioner, who is seeking to avoid the payment of her debt for $9,000.00 to one of the Respondents, now deceased. This debt was secured by the deed of trust herein and was bor-

rowed by Petitioner. The only other parties interested herein are the other Respondents.

2. This case presents no conflict of judicial opinion which needs to be reconciled by this Court.

3. This case presents no public or private miscarriage of justice in the lower Courts.

4. All questions involved in this petition for certiorari became *res judicata* when this Court denied Petitioner's former petitions for certiorari, reported in *Georgia M. Spruill* v. *Supreme Court of the District of Columbia,* 293 U. S. 625, 79 L. ed. 712; (64 App. D. C. 63; 74 Fed. (2d) 464); *Spruill* v. *Ballard, et al.,* 296 U. S. 575, 80 L. ed. 406, in addition to *Spruill* v. *Harriet T. Serven,* 302 U. S. 687, 82 L. ed. 530, and *Georgia M. Spruill* v. *Harriet T. Serven* No. 651 and *Spruill* v. *Ballard et al.,* No. 652, 302 U. S. 764, 82 L. ed. 594. No question not previously fully and finally litigated and presented is herein presented, the whole case being a repetition of previous litigation, the same record of several hundred pages here presented being substantially the same as covered in the preceding actions.

Conclusion.

Therefore, it is submitted that the pending petition for certiorari should be denied.

Respectfully submitted,

Ross H. Snyder,
Attorney for Respondents.

Lewis H. Fisher,
Of Counsel.

APPENDIX.

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA.

No. 8163

GEORGIA M. SPRUILL, *Appellant,*

v.

WILLIAM T. BALLARD, ET AL., *Appellees.*

and

No. 8164

GEORGIA M. SPRUILL, *Appellant,*

v.

HARRIET T. SERVEN, *Appellee.*

and

No. 8165

GEORGIA M. SPRUILL, *Appellant,*

v.

HARRIET T. SERVEN, *Appellee.*

and

No. 8272

GEORGIA M. SPRUILL, *Appellant,*

v.

WILLIAM T. BALLARD, ET AL., *Appellees.*

Appeals from the District Court of the United States for the District of Columbia.

Argued June 16, 1943 Decided July 12, 1943.

Miss Georgia M. Spruill, pro se, for appellant.
Mr. Ross H. Snyder, for appellees.

Before Groner, C. J., Miller, Associate Justice, and Eicher, Chief Justice of the District Court.

PER CURIAM:

These are appeals from orders of the District Court, consolidated for hearing in this Court. All four cases center around a controversy which began in 1930 and which in one form or another has been brought to this Court on more than a dozen appeals, beginning with *Spruill* v. *Ballard,* 61 App. D. C. 112, 58 F. (2d) 517.

We have carefully considered the points raised on each of the present appeals and find nothing new in any of them. In our Memo. opinion in *Spruill* v. *Dorsey,* decided December 27, 1937, we set out fully the chronological history of the litigation. It would be a waste of time to repeat here what was said there. These repeated appeals, which we have allowed to be presented without payment of costs, have placed upon the Clerks' Offices of the District Court and this Court a great burden, which in the circumstances can be justified only on the ground that appellant was without the assistance of counsel. But, as we have stated in former opinions, this was and is wholly due to appellant's refusal to accept the offer of the lower court and of this Court to appoint counsel to represent her.

Appellant originally owned a residence in the City of Washington, which as of July 1, 1930, she had encumbered for $9,000. Because of her failure to pay the interest the property was sold, and on appeal we set aside the sale, *Spruill* v. *Ballard,* 61 App. D. C. 112, 58 F. (2d) 517, because we found the Trustee under the deed of trust was himself the holder of the secured debt. On the remand the

District Court allowed appellant various credits for deprivation of the property and as compensatory damages for her ouster, the effect of which was to reduce her original mortgage indebtedness to an amount between $6,000 and $7,000; and every opportunity was then extended to her to refinance the debt or sell the property and pay the debt. All of this appears in our opinion in *Spruill* v. *Ballard*, 64 App. D. C. 60, 74 F. (2d) 464. Nothing was done by appellant to redeem the property and it was subsequently sold by substitute Trustees appointed by the District Court, and the appeal here in No. 8272 is from the order confirming the report of the Auditor directing a distribution of the funds derived from that sale. Inasmuch as we find nothing of substance in any of the appeals, the judgments in the several cases are affirmed. See *Spruill* v. *Serven*, 67 App. D. C. 39, 89 F. (2d) 511, and *Spruill* v. *Serven*, 68 App. D. C. 60, 93 F. (2d) 219.

Affirmed.